UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT of TEXAS

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED
DEC 5 2014
David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA,
PLAINTIFF,

V. **CASE NO.** : 4:07CR00065-003

JOEL HERNALDO PAREDES GOMEZ
DEFENDANT,

NOTICE OF MOTION: MOTION FOR A REDUCTION OF SENTENCE PURSUANT TO 18.U.S.C. SECTION 3582(c)(2)

Comes now the defendant,pro se hereby moves this Honorable Court for a reduction of sentence to the new Amended Guidelines.This motion is based upon the attached memorandum of its authorities,all files and records in this case,and such further argument and evidence as may presented at the hearing of this motion.

MEMORANDUM OF POINTS AND AUTHORITIES

On April 5, 2013 the defendant was sentenced for 135 Months of imprisonment.The sentence was impose under the sentencing guidelines **(QUALIFY THIS IF POST-BOOKER)**with a base offense level computed under section 2D1.1 of the guidelines for cocaine quantity.That base offense level under the guidelines in effect at the time.The defendant sentencing an Amendment 782 general revised the Drug Quantity Table and Chemical Quantity Tables.The proposed amendment also provides a new application note clarifying that this special instruction does not preclude the court from conducting sentence reduction proceedings and entering orders before November 1st,2015 to provide that any order reducing the defendant's term of imprisonment has effective date of November 1st,2015 or later.In this case the effective is later.

COMMENTARY

APPLICATION NOTES:

1.Application of Subsection(a)

(A) Eligibility: Eligibilty for a consideration under 18.U.S.C.§3582(c)(2) is triggered only by an amendment listed in (d) that lowers the applic able Guideline Range.The amendment under 782 which reduced the base offense level of the Drug Quantity Table by 2 levels under U.S.S.G.2D1

PROPOSED AMENDMENT

1B1.10 Reduction in Term of Imprisonment as a Result of Amended Guidline Range

(A) Authority

(1) In General: In a case in which a defendant is serving a term of imprison ment and the guideline range applicable to the defendant has subsequen ly been lowered as a result of an amendment to the Guidelines Manual listed in Subsection (b) below,the court may reduce the defendant's term of imprisonment as provided by 18.U.S.C.§3582(c)(2).As required by 18.U.S.C.§3582(c)(2) any such reduction in the defendant's term of imprisonment shall be consistent with this policy statement.

(2) Determination of Reduction in Term of Imprisonment

(b) In General:In determining whether and to what extent,a reduction in the defendant's term of imprisonment under 18.U.S.C.§3582(c)(2) and this policy statement is warranted,the court shall determine the Ameneded Guideline range that would have been applicable to the defendant if the Amendment(s) to the guidelines listed in subsection (b) has been in effect at the time the defendant was sentenced.In making such determination,the court shall substitute only the amendment listed in subsection (d) for the corresponding guideline provisions that were applied when the defendant was sentenced and shall leave all other guideline application decisions unaffected.

ARGUMENT

The defendant offense level should be reduced.The Sentencing Commission on July 18th,2014,Proposed Amendment 782,generally revised the Drug Quantity.

Retroactive of Amendment 782,that reduced sentences was also proposed on that date.In section 1B1.10 of the guidelines.Based on retroactivity,the Statutory underlying it.The Supreme Court's intervening **(ONLY IF ALL FOLLOWING CASES WERE AFTER SENTENCING)**decisions in **UNITED STATES v.BOOKER, 543 U.S 220 (2005),RITA v.UNITED STATES,12 S.CT.2456.(2007).**

CONCLUSION

This Court should adjust JOEL HERNALDO PAREDES GOMEZ Sentencing Guideline Range under Amendment 782,to the revised Drug Quantity Table.Which will lower by 2 levels in this case.

DATED:

Respectfully Submitted,

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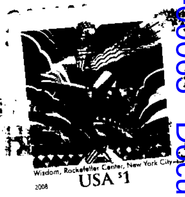

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